

REMARKS

The Office Action states that Applicant is required to furnish a drawing under 37 CFR 1.81(c). A drawing was submitted with the original filing, a copy of which is attached hereto for the convenience of the Examiner.

The specification has been objected to due to informalities. The specification has been amended. No new matter has been added.

Claims 1-4, 6-8, 11-15 and 17 have been rejected under 35 USC 102(b) as anticipated by Ertz. The rejection is respectfully traversed.

Ertz discloses a community emergency response service System with integrated public safety answering points (PSAPS). However, this system can only process a maximum allowable number of calls. There is no disclosure as to how the service system should react if the maximum allowable count of calls is exceeded. Figures 62 and 63, and the corresponding description (see, col. 104), each disclose a termination of the process upon reaching the limits of capacity. That is, the call capacity is checked to determine whether it has reached the allowable count (“yes”) for each PSAP, in which case the call capacity is reached and another call cannot be accepted – “PSAP cannot accept another call.” In the invention, on the other hand, a guaranteed transfer of high priority connections, for example, emergency connections, is attached and created independently of the respective utilization of the transmission resources provided through the communications network. See, for example, claim 1 requiring determining the priority of access upon ascertaining there are insufficient resources, and then allocating resources accordingly. Ertz, as noted above, fails to disclose determined when there is insufficient transmission resources available, and then allocating transmission resources in the communications network which are required for establishing a high priority of access.

Since the recited method and system are not disclosed by the applied prior art, claims 1 and 12 are patentable. Claims 2-4, 6-8, 11 and 13-17 are similarly patentable as they depend either directly or indirectly from claims 1 and 12, respectively.

Claims 5 and 16 have been rejected under 35 USC 103(a) as unpatentable over Ertz in view of Barnhouse. The rejection is respectfully traversed for the same reasons presented in the arguments above, and for the following reasons.

Barnhouse discloses an intelligent call switching node through which different performance characteristics or services are provided for a subscriber. A performance characteristic disclosed in Barnhouse is "Override," which can be activated manually if needed by the calling subscriber through the actuation of a key. However, Barnhouse simply discloses that when the override is activated, the call control on the side of the terminating user device must accept the call (see, for example, column 17, line 7 – 65). Barhouse fails, however, to disclose how the feature "must accept the call" is realized.

Claims 5 and 16 are therefore patentable independent from the claims from which they depend.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122026300.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

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